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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3874/2017 & CRL.M.A. 15641/2017**

SMT VEENA BHATLA

.....Petitioner

Through: Mr. Sanjay Srivastav and Mr. Anjney
Mishra, Advs.

versus

THE STATE NCT OF DELHI & ORS

.....Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Durgesh, PS Dwarka
North.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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10.07.2024

1. This petition has been filed for setting aside impugned order dated 01st March, 2017 passed by the ASJ taking cognizance of the offences mentioned in the charge-sheet and condoning the delay of 1545 days in filing of the charge-sheet.
2. FIR No.197/2011 was registered under Sections 323/186/332/353/34 IPC, PS Dwarka (North) on an alleged incident which occurred on 28th August, 2011. Since then, almost five years passed and the charge-sheet was not filed. Charge-sheet was finally filed on 19th November, 2015, on an application for condonation of delay.
3. The basic ground taken for the condonation of delay application was that the petitioner was not traceable and was absconding. To this, counsel for the petitioner states that this contention is untenable, since they were granted



anticipatory bail on 17th September, 2011 itself and during the years from 2011 to 2015, petitioner was regularly appearing in the Trial Court. Order-sheets, in this regard, have been perused and show that the petitioners (respondents before the Trial Court) were appearing in the said matter. No proceedings were initiated under Section 82 Cr.P.C, if the petitioner was considered as absconding and untraceable. On this basis, the limitation as prescribed under Section 468(2)(c) Cr.P.C. would be applicable, since the offences in question involve a maximum imprisonment upto three years.

4. This Court had directed that the synopsis be filed by order dated 21st March, 2023. The Court has perused the same.

5. In the opinion of this Court, even if the delay of 3 years is reduced, there would be a residual delay of about more than 1 year, which would be approximately 460 days and therefore barred. Reasons for the delay are not merited. In this view of the matter, the petition is allowed and the impugned order is, therefore, set aside.

6. Petition is disposed of. Pending applications, if any, also stand disposed of as being rendered infructuous.

7. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 10, 2024/MK/na